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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR 06-00189 SBA
15 Plaintiff,)
16 v.)
17 MICHAEL GREEN JOHNSON, et al.,) STIPULATION AND ORDER TO
18 Defendants.) RESCHEDULE FURTHER STATUS
CONFERENCE AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT

19
20 Plaintiff United States of America, by and through its counsel of record, Assistant United
21 States Attorney Garth Hire, and defendants Michael Green Johnson, Bobby Ray Williams, Eddie
22 Sherman Thomas, Stephen Louis Montgomery, Antoine Demetrius Smith, Martin Eugene
23 Roberts, and Leonard Dan Gordon ("defendants"), by and through their respective counsel of
24 record, Mark R. Vermeulen, Harold Rosenthal, Richard Tamor, Juliana Drouss, Garrick Lew,
25 Geri Lynn Green, and Laurel Headley, hereby stipulate as follows:

26 1. Defendants are presently scheduled for further status conference before this Court
27 on November 27, 2007. The Court has previously determined, pursuant to 18 U.S.C.

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EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

1 §§ 3161(h)(8)(A), (B)(ii), that this matter is so complex, due to the number of the defendants and
2 the nature of the prosecution (including the extremely voluminous nature of the electronic and
3 non-electronic wiretap discovery), that it would be unreasonable to expect adequate preparation
4 for pretrial proceedings and trial with the time limits established by the Speedy Trial Act.

5 2. Due to the defendants' continuing need to review the voluminous discovery in
6 this case and to evaluate the voluminous discovery in this case as it relates to potential motions
7 to suppress and pretrial preparation, the parties jointly request that the further status conference
8 presently scheduled for 9 a.m. on November 27, 2007, be continued to 9 a.m. on January 15,
9 2008.

10 3. The parties agree and stipulate, and request that the court find the following:

11 a. The ends of justice outweigh the interest of the public and the defendants
12 in a trial within the date prescribed by the Speedy Trial Act because:

13 (i) this matter is so complex, due to the number of the defendants and
14 the nature of the prosecution (including the extremely voluminous nature of the electronic and
15 non-electronic wiretap discovery), that it would be unreasonable to expect adequate preparation
16 for pretrial proceedings and trial with the time limits established by the Speedy Trial Act; and

17 (ii) defendants' counsel intends to use the additional time until the
18 next further status conference to continue to review the discovery and evaluate the need for pre-
19 trial motions and to adequately prepare for trial and potentially to resolve the case for all
20 remaining defendants.

21 b. Based on the foregoing, the parties request that the Court find that for the
22 purpose of computing time under the Speedy Trial Act, within which the matter must proceed to

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1 trial, the time period of November 27, 2007, to January 15, 2008, is deemed excludable pursuant
2 to 18 U.S.C. §§ 3161(h)(8)(A), (B)(ii).

3 IT IS SO STIPULATED.

4
5 SCOTT N. SCHOOLS
6 United States Attorney

7 Dated: _____

8 /s/
9 GARTH HIRE
10 Assistant United States Attorney
11
12 Attorney for United States of America

13 Dated: _____

14 /s/
15 MARK R. VERMEULEN
16
17 Attorney for Defendant
18 Michael Green Johnson

19 Dated: _____

20 /s/
21 HAROLD ROSENTHAL
22
23 Attorney for Defendant
24 Bobby Ray Williams

25 Dated: _____

26 /s/
27 RICHARD TAMOR
28
29 Attorney for Defendant
Eddie Sherman Thomas

30 Dated: _____

31 /s/
32 JULIANA DROUS
33
34 Attorney for Defendant
Stephen Louis Montgomery

35 Dated: _____

36 /s/
37 GARRICK LEW
38
39 Attorney for Defendant
Antoine Demetrius Smith

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42 EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

1 Dated: _____

/s/
GERI LYNN GREEN

2
3 Attorney for Defendant
4
5 Martin Eugene Roberts

Dated: _____

/s/
LAUREL HEADLEY

6
7 Attorney for Defendant
8 Leonard Dan Gordon

9 **ORDER**

10 FOR GOOD CAUSE SHOWN, THE COURT ADOPTS THE FINDINGS OF FACT AND
11 CONCLUSIONS OF LAW STIPULATED TO BY THE PARTIES. THEREFORE, IT IS SO
12 FOUND AND ORDERED THAT:

13 1. The currently scheduled further status conference hearing at 9 a.m. on November
14 27, 2007, is vacated and a hearing for further status conference is now scheduled for 9:00 a.m. on
15 January 15, 2008.

16 2. The time period from November 27, 2007, to January 15, 2008, is deemed
17 excludable pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(ii) because it results from a continuance
18 granted by the Court at the defendants' request and on the basis of the Court's finding that the
19 ends of justice served by taking such action outweigh the best interest of the public and the
20 defendant in a speedy trial because the matter is so complex, due to the number of the defendants
21 and the nature of the prosecution (including the extremely voluminous nature of the electronic
22 and non-electronic wiretap discovery), that it would be unreasonable to expect adequate
23 preparation for pretrial proceedings and trial with the time limits established by the Speedy Trial
24 Act.

25
26 DATED: 11/26/07

Saundra B Armstrong
27 HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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FURTHER STATUS CONFERENCE HEARING AND
EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT